

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Number CR 09-2027
	)	
v.	)	MOTION FOR DOWNWARD
	)	DEPARTURE OR VARIANCE
JASON LEONARD BOYACHEK,	)	
	)	
Defendant.	)	

In accordance with the Federal Sentencing Guidelines and 18 U.S.C. § 3553(a) the Defendant moves for a downward departure or variance from the advisory guideline range applicable to this case. More particularly, the Defendant contends that a downward departure or variance is justified based on one or more of the following grounds, or in combination:

1. The Defendant's character and mental health made him particularly susceptible to the undue influence of others;
2. The Defendant has absolutely no criminal history;
3. The Defendant voluntarily withdrew from the criminal activity giving rise to his prosecution;
4. While under supervision during the extradition proceedings in Canada, the Defendant scrupulously abided by all conditions imposed by the court

and supervising authorities;

5. A guideline sentence would create an unwarranted sentencing disparity compared to others involved in the conspiracy to which the Defendant pleaded guilty;

6. By his employment history, educational achievements, initiative in obtaining mental health treatment, and developing appropriate personal relationships, the Defendant has demonstrated noteworthy post-offense rehabilitation;

7. As a non-citizen, the Defendant will face harsh restrictions in attempting ever to return to the United States;

8. The Defendant may be subjected to significant restrictions in placement and programing within the Bureau of Prisons;

9. The Defendant possess an otherwise outstanding character, and has been highly regarded and loved for his personal generosity and many kindnesses;

10. The Defendant represents a very low risk of recidivism

WHEREFORE the Defendant respectfully moves that a downward departure or variance be granted.

/s/ Leon F. Spies

LEON F. SPIES

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CERTIFICATE OF SERVICE

I certify that I electronically served/mailed a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record, shown below, on October 5, 2015.

By: /s/ Leon F. Spies

Mr. Patrick Reinert (electronically)  
Assistant United States Attorney

Mr. Jason Boyachek (U.S. Mail)